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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	13660.17	4558
21999 7590 09/20/2007 KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111				
			EXAMINER MADAMBA, CLIFFORD B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/870,142	Applicant(s) SMITH ET AL.	
	Examiner Clifford Madamba	Art Unit 3609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 and 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-15 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/04/2007 has been entered and responded to in a previous Office Action filed on 03/22/2007.

***Status of Claims***

2. This action is in reply to the remarks and amendment filed on July 13, 2007.
3. Claims **1** and **11** have been amended.
4. Claims **6-10** and **16-21** have been canceled.
5. Claims **22-31** have been added.
6. Claims **1-5**, **11-15** and **22-31** are currently pending and have been examined.

***Response to Arguments***

7. Applicant's arguments filed on July 13, 2007 have been fully considered but are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section.
8. Applicant argues that the references cited by the Examiner do not teach or suggest all the limitations from the claim set provided herein, citing, specifically, the limitation of claim 1 *"establishing a plurality of virtual financial accounts overlaid upon a plurality of actual financial accounts, wherein at least one virtual financial account is overlaid upon multiple actual financial accounts and wherein multiple virtual financial accounts are overlaid upon one actual financial account"*, stating that neither reference discloses the flexibility of the virtual and financial accounts claimed.

The Examiner respectfully disagrees and points to the rejection of independent claim 1 below. The Examiner also points out that, according to the Applicant's specification, depositing cash to specific accounts represents an overlaying transaction (see at least page 4, lines 9-10, which discloses "Each time a user receives cash it is deposited to these specific accounts in a manner that reflects the preset spending allocations set by the user."). Therefore the process of "transferring money from a company's bank account into a PocketCard virtual account" can be justifiably interpreted to mean an overlaying transaction, at least by the manner it is disclosed in the present invention. Furthermore it is disclosed that the PocketCard virtual accounts are overlaid on an actual bank account of the company.

The Examiner also maintains the opinion that Claus discloses the ability of the virtual accounts to be overlaid upon multiple accounts of any type, including actual financial accounts and points to the fact that the example used by Claus in Figure 13 which refers to "subtotals for each category by class and type," (see column 1, lines 36-37) does not render the invention

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incapable of disclosing subtotals for each category (such as the groceries category example of a virtual account) across all classes (actual accounts of cash, check and credit). On the contrary a person of ordinary skill in the art would be capable of using the invention along with the disclosed and well-known Microsoft Excel program for this purpose. This is especially true in light of the problem to be solved, namely that "most people cannot accurately track their expenses with respect to specific categories, (Column 1, lines 37-39)."

9. Applicant also argues that there is no motivation to combine references in the manner proposed by the Examiner as the references are addressed to different problems and submit that one of ordinary skill in the art would not reasonably expect success in combining the cited references.

The Examiner respectfully disagrees and points out that "in many, if not most, situations, there is neither a motivation to make the modification clearly articulated in the reference nor an evident lack of motivation. Rather, the prior art references typically disclose elements or aspects of the claimed subject matter, but fail to specifically point the way toward the combination, substitution or other modification needed to arrive at the invention. A judgment must be made whether 'a person of ordinary skill in the art would have had sufficient motivation to combine the individual [elements] forming the claimed [invention].'" In re Clinton, 527 F.2d 1226,1228, 188 USPQ 365, 367 (CCPA 1976).

With this in mind the examiner maintains that it would have been obvious to a person of ordinary skill in the art at the time of invention to include the teaching of Claus to the disclosure of Editors so that a single card is utilized to record and categorize transactions for a business expense account. In this manner the business entity has maximum control and oversight over the transactions of their employees.

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10. Applicant further argues that the combination of references is inappropriate as it renders the prior art inoperable and that the system as taught by Claus provides no measurable benefit to the system as taught by Editors. The Examiner respectfully disagrees and points out a second implementation of Claus that utilizes smart cards that do not have a display or keyboard (Column 12, line 22-44). Therefore, just as in the Editors reference the information is transferred automatically.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims **1-5**, **11-15** and **22-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Editors (Business Editors, High-Tech Writers Summer Internet World 99. "PocketCard Inc.'s Product Launch at Internet World Summer 99; High-Tech VISA Card Ends Expense Account Headaches." Business Wire. New York: Jul 21, 1999. pg 1) in view of Claus (US PAT 5,857,079).
13. As per claim **1**, Editors teaches a method for *managing financial resources in an automated fashion comprising:*
- *Establishing a plurality of virtual financial accounts overlaid upon a plurality of actual financial accounts, wherein multiple virtual financial accounts may-be-are overlaid upon*

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*one actual financial account (see at least page 2, 4<sup>th</sup> paragraph, which discloses "employer funds the program by transferring money from the company's bank account into a PocketCard virtual account");*

- *Allocating a given amount of funding for each of the plurality of virtual financial accounts from each of the actual financial accounts upon which each virtual financial account is overlaid (see at least page 2, 4<sup>th</sup> paragraph, which discloses "employer sets individual limits for each card");*
- *Allocating a transaction to a virtual financial account selected from the plurality of virtual financial accounts, the transaction corresponding to a debit from or credit to at least one of the actual financial accounts upon which the virtual financial account selected is overlaid (see at least page 2, 9<sup>th</sup> paragraph, which discloses "the report is automatically prepared as the card is used. As soon as a transaction is takes place, complete details are entered into the card's transaction history"; see also 11<sup>th</sup> paragraph, which discloses "cardholders can review records for their individual account");*
- *Debiting or crediting the allocated fund amount according to the transaction allocated to the particular virtual financial account and from the at least one corresponding actual financial account (see at least 4<sup>th</sup> paragraph; debiting of the virtual account is inherent in that the employee cannot spend more than the amount allocated. If the virtual account weren't debited with each transaction, the employee would be able to surpass the limit. This is not the case).*

Editors does not explicitly disclose *wherein each-at least one virtual account is capable of being overlaid upon multiple actual financial accounts*. Claus, however, discloses wherein virtual accounts (categories) can be overlaid upon multiple financial accounts (type). For example the "groceries" virtual account can be overlaid onto either of the cash or credit actual accounts in Fig 13 (See at least column 1, lines 37-39 & 66; column 2, line 2; column 6 lines 37-38 and column 11, lines 36-37 & 45-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as taught by

Editors, with the limitation as taught by Claus, for the motivation of utilizing a single card to record and categorize transactions for a business expense account. In this manner the business entity has maximum control and oversight over the transactions of their employees (see at least Claus, column 2, lines 5-11).

14. As per claim 2, Editors in view of Claus discloses the limitation of claim 1 as described above. Editors further teaches the *step of determining a balance with each of the plurality of virtual financial accounts* (see at least page 2, 2<sup>nd</sup> paragraph, which discloses "the employer can review all card transactions at any time by accessing the account at PocketCard's website"; see also 9<sup>th</sup> paragraph, which discloses "The employer can review the history online at anytime.").
15. As per claim 3, Editors in view of Claus discloses the limitation of claim 2 as described above. Editors further teaches the step of *displaying the balance of a virtual account after transaction allocation and debit or credit of the transaction* (see at least page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.").
16. As per claim 4, Editors in view of Claus discloses the limitation of claim 1 as described above. Editors further teaches the step of *distinguishing between the transactions that have cleared real time through the actual financial account and those that have not within each of the plurality of virtual financial accounts* (see at least page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.").
17. As per claim 5, Editors in view of Claus discloses the limitation of claim 1 as described above. Editors further teaches the step of *displaying transaction information of a selected allocated*



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*transaction within one of the virtual accounts (see at least page 2, 11<sup>th</sup> paragraph, which discloses "Cardholders can review records for their individual account.").*

18. As per claims **11-15**, further apparatus claims would have been obvious in order to perform the previously rejected method claims 1-5 and are therefore rejected using the same art and rationale inasmuch as the claims cite identical (similar) features and are distinguishable only by statutory category.

19. As per claim **22**, Editors teaches a *method for managing financial resources in an automated fashion comprising:*

- *Providing a secure data storage site connected to a global computer network (see at least page 1, 2<sup>nd</sup> paragraph, which discloses "an employee can use PocketCard anywhere a VISA card is accepted." A secure data storage site connected to a global computer network is an inherent structure design for VISA card products);*
- *Accessing a plurality of actual financial accounts through the network (see at least page 2, 8<sup>th</sup> paragraph, which discloses "funds are held in a special FDIC-insured account at the First National Bank in Brookings, S.D., a 75-year old bank that is a participant in both the VISA and MasterCard programs");*
- *Generating representations of the plurality of actual financial accounts on the secure data storage site to track the actual financial accounts (see at least page 1, 4<sup>th</sup> paragraph, which discloses "the employer funds the program by transferring money from the company's bank account" which implies that the storage site can generate representations of actual financial accounts for the employer to see and transfer funds from);*
- *Establishing a plurality of virtual financial accounts overlaid upon the representations of the plurality of actual financial accounts, and wherein multiple virtual financial accounts are overlaid upon at least one representation of at least one of the actual financial accounts (see at least page 2, 4<sup>th</sup> paragraph, which discloses "employer funds the program*

by transferring money from the company's bank account into a PocketCard virtual account");

- *Apportioning a given amount of virtual funding to each of the plurality of virtual financial accounts from each of the representations of actual financial accounts upon which each virtual financial account is overlaid* (see at least page 2, 4<sup>th</sup> paragraph, which discloses "employer sets individual limits for each card");
- *Allocating a transaction to a virtual financial account selected from the plurality of virtual financial accounts, the transaction corresponding to a debit from or credit to at least one of the actual financial accounts corresponding to at least one of the presentations upon which the selected virtual financial account is overlaid* (see at least page 2, 9<sup>th</sup> paragraph, which discloses "the report is automatically prepared as the card is used. As soon as a transaction is takes place, complete details are entered into the card's transaction history"; see also 11<sup>th</sup> paragraph, which discloses "cardholders can review records for their individual account");
- *Debiting or crediting the allocated fund amount according to the transaction allocated to the particular virtual financial account and to or from the at least one corresponding representation of the actual financial account* (see at least 4<sup>th</sup> paragraph; debiting of the virtual account is inherent in that the employee cannot spend more than the amount allocated. If the virtual account weren't debited with each transaction, the employee would be able to surpass the limit. This is not the case).

Editors does not explicitly teach the limitation *wherein at least one virtual financial account is overlaid upon representations of multiple actual financial accounts*. Claus, however, discloses wherein virtual accounts (categories) can be overlaid upon multiple financial accounts (Type). For example the "groceries" virtual account can be overlaid onto either of the cash or credit actual accounts in Fig 13 (See at least column 1, lines 37-39 & 66; column 2, line 2; column 6 lines 37-38 and column 11, lines 36-37 & 45-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as

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taught by Editors, with the limitation as taught by Claus, for the motivation of utilizing a single card to record and categorize transactions for a business expense account. In this manner the business entity has maximum control and oversight over the transactions of their employees (see at least Claus, column 2, lines 5-11).

20. As per claim **23**, Editors in view of Claus teaches the limitation of claim 22 as described above. Editors further discloses the limitation further comprising:

- *Updating data regarding at least one of the virtual financial accounts and any corresponding representations of actual financial accounts in a personal computer environment* (see at least page 2, 2<sup>nd</sup> paragraph, which discloses "the employer can review all card transactions at any time by accessing the account at PocketCard's web site"; see also page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the history online at any time.");
- *Synchronizing the data between the personal computer environment and the secure data storage site* (see at least page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history.").

21. As per claim **24**, Editors in view of Claus teaches the limitation of claim 22 as described above. Editors further teaches method *wherein the secure data storage site comprises a part of a personal computer environment* (see at least page 2, 2<sup>nd</sup> paragraph, which discloses "the employer can review all card transactions at any time by accessing the account at PocketCard's web site"; see also page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the history online at any time.").

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22. As per claim **25**, Editors in view of Claus teaches the limitation of claim 22 as described above. Editors doesn't explicitly teach the limitation further comprising *dividing the virtual financial accounts into virtual financial sub-accounts*. Claus, however, discloses wherein a program in a personal computer is used to specify the class, type, and categories (see at least column 2, lines 19-21); further wherein the use of sub-accounts [e.g. groceries, lunch, etc.] is shown under the personal account category (see at least figure 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the limitation above, as taught by Editors, with the limitation as taught by Claus, for the motivation of recording and categorizing transactions as they occur by transaction identities (see at least Claus, column 2, lines 9-11).
23. As per claim **26**, Editors in view of Claus teaches the limitation of claim 22 as described above. Editors further teaches the limitation further comprising:
- *Determining a balance with each of the plurality of virtual financial accounts* (see at least page 2, 2<sup>nd</sup> paragraph, which discloses "the employer can review all card transactions at any time by accessing the account at PocketCard's website"; see also 9<sup>th</sup> paragraph, which discloses "the employer can review the history online at anytime");
  - *Displaying the balance of a virtual financial account after transaction allocation and debit or credit of the transaction* (see at least page 2, 9<sup>th</sup> paragraph, which discloses "As soon as a transaction takes place, complete details are entered into the card's transaction history. The employer can review the transaction details at any time.").
24. As per claim **27-31**, further apparatus claims would have been obvious in order to perform the previously rejected method claims 22-26 and are therefore rejected using the same art and rationale inasmuch as the claims cite identical (similar) features and are distinguishable only by statutory category.

***Conclusion***

25. The above arguments presented above by the Applicant are neither substantially new nor considered to be persuasive. Accordingly, THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date of the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

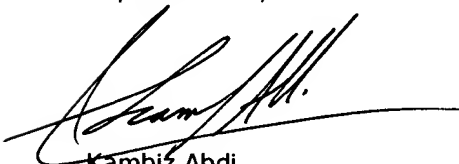
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi, can be reached at 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Clifford Madamba  
Patent Examiner  
September 12, 2007

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', is written over a horizontal line.

Kambiz Abdi  
Supervisory Primary Examiner  
September 12, 2007